

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: June 15, 2005

Division: Planning and Environmental Resources

Bulk Item: Yes ☐ No ☒

Department: Planning and Environmental Resources

Staff Contact Person: K. Marlene Conaway

AGENDA ITEM WORDING: A public hearing to adopt an Interim Development Ordinance for the Tavernier Historic District Overlay; establishing the boundaries thereof; deferring the acceptance of development applications and providing for an expiration date of September 1, 2005 or upon adoption of design standards and guidelines, whichever comes first.

(2nd of 2 public hearings)

ITEM BACKGROUND: The Board of County Commissioners (BOCC) at their meeting of February 16, 2005 adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 (Master Plan). At the direction of the BOCC Growth Management staff prepared an Interim Development Ordinance to defer acceptance of development applications that seek development approval for all new development, exterior remodeling or redevelopment located within the Tavernier Historic District Overlay that meet the threshold for design review. On January 16, 2005 the BOCC contracted with HDR consultants to develop design standards and design guidelines for all new development, exterior remodeling or redevelopment within the subject area.

PREVIOUS RELEVANT BOCC ACTION: The BOCC adopted the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Market 97 on February 16, 2005.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☒ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: _____


Timothy J. McGarry, AICP

DOCUMENTATION: Included ☒ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

**INTERIM DEVELOPMENT ORDINANCE
TAVERNIER HISTORIC DISTRICT OVERLAY**

**BOARD OF COUNTY COMMISSIONERS
Marathon
June 15, 2005**

INTERIM DEVELOPMENT ORDINANCE

A REQUEST BY MONROE COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL RESOURCES TO ADOPT AN INTERIM DEVELOPMENT ORDINANCE FOR THE TAVERNIER HISTORIC DISTRICT OVERLAY; ESTABLISHING THE BOUNDARIES THEREOF; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES ARE ADOPTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA); PROVIDING FOR EXPIRATION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 OR ADOPTION OF DESIGN STANDARDS AND GUIDELINES, WHICHEVER COMES FIRST

STAFF:	Approval	May 23, 2005	
DRC:	Approval	March 24, 2005	Resolution # D6-05
PC:	Approval	April 27, 2004	Resolution # P16-05

DRAFT BOCC ORDINANCE

ORDINANCE NO.

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING A INTERIM DEVELOPMENT ORDINANCE FOR THE TAVERNIER HISTORIC DISTRICT OVERLAY; ESTABLISHING THE BOUNDARIES THEREOF; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES ARE ADOPTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA); PROVIDING FOR EXPIRATION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 OR ADOPTION OF DESIGN STANDARDS AND GUIDELINES, WHICHEVER COMES FIRST.

WHEREAS, the Board of County Commissioners at their meeting of February 16, 2005, adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 as an amendment to the Monroe County Year 2010 Comprehensive Plan (referred to hereafter as the 2010 Plan); and

WHEREAS, the 2010 Comprehensive Plan, Goal 101 requires Monroe County to manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [9J-5.006(3)(b)1]; and

WHEREAS, the 2010 Plan Objective 101.20 identifies the Livable CommuniKeys Planning Program as a planning program designed to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 (referred to hereafter as the Master Plan) is the product of the Livable CommuniKeys program as outlined in the 2010 Plan Objective 101.20; and

WHEREAS, the Tavernier Historic Overlay District is a unique historic resource as identified in the Master Plan; and

WHEREAS, GAI consultants completed an architectural survey of all unincorporated areas of Monroe County and completed an evaluation of sites and structures for designation in the National Register of Historic Places and or Monroe County Landmarks; and

WHEREAS, the survey identified fifty-three properties within the Tavernier Historic District as being eligible for national historic designation, eight of the identified properties are designated as Monroe county landmarks and seventeen are listed as Monroe County Historic Landmarks; and

WHEREAS, GAI consultants recommended that Tavernier be nominated as a district on the National Register of Historic Places; and

WHEREAS, each individual historic site and or structure is important and together they contribute to making the Tavernier Historic District Overlay a significant county resource; and

WHEREAS, Action Item 4.3.5 in the adopted Master Plan requires that design standards be prepared and that any new development or redevelopment within the designated Tavernier Historic District Overlay be consistent with design standards and in compliance with regulatory controls; and

WHEREAS, historic architecture design standards and design guidelines for historic structures, contributing structures and non-contributing structures all together can support, enhance and preserve the character of the historic district; and

WHEREAS, Action Item 4.3.6 in the adopted Master Plan directs the County to enact a temporary moratorium on development within the Tavernier Historic District Overlay until the design standards are adopted or six months after the effective date of the Master Plan, whichever comes first; and

WHEREAS, the County has committed necessary staff and resources to the development of the historic district design standards in order to facilitate diligent and good faith efforts to establish policies and regulations within a reasonable period of time; and

WHEREAS, the Board of County Commissioners, in anticipation of the adoption of the Master Plan, voted to Contract with HDR Consultants to prepare the historic district design standards and implementation measures including Land Development Regulations at their meeting of January 19, 2005; and

WHEREAS, the utilization of the moratorium device as a temporary measure to facilitate government decision making, study and adoption of land development regulations is a legitimate governmental tool to facilitate logical and considered growth and as a means of avoiding inefficient and ill-conceived development; and,

WHEREAS, the County finds that it is necessary to enact an Interim Development Ordinance deferring the approval of development applications within the designated Tavernier Historic District Overlay so the County can prepare design guidelines; and,

WHEREAS, the purpose this Interim Development Ordinance provides mechanisms to assure democratic discussions and participation by citizens, developers, and property owners who may be affected by eventual amendments to the Land Development Regulations; and

WHEREAS, Chapter 125 F.S., authorizes the Board of County Commissioners to adopt ordinances to provide standards protecting against imminent and immediate threat to the health, safety, and welfare of the citizens of Monroe County; and

WHEREAS, this Interim Ordinance constitutes a valid exercise of the County's police power and is otherwise consistent with Section 163.3161, *et seq.*, F.S., which, *inter alia*, encourages the use of innovative land development regulations including provisions like moratoria to implement the adopted comprehensive plan; and

WHEREAS, following the direction of the Board of County Commissioners in the adopted Tavernier Creek to MM 97 Master Plan, the Growth Management Division staff immediately undertook the development of this Interim Development Ordinance and began working with the consultants HDR, Inc on development of historic design standards for the Tavernier Historic Overlay District; and

WHEREAS, the Planning Commission has reviewed the draft Interim Development Ordinance and recommended approval to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has reviewed and considered the draft Interim Development Ordinance recommended by the Planning Commission and Planning staff; and.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Pursuant to the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 adopted by the Board of County Commissioners on February 16, 2005, the Interim Development Ordinance shall apply to the Tavernier Historic Overlay District, the boundaries of which are described on the map, attached hereto as Exhibit 1, and hereby is made part of this ordinance.

Section 2. Pursuant to its lawful authority and the pending legislation doctrine as set forth in *Smith v. City of Clearwater*, 383 So.2d 681 (Fla. 2d DCA, 1980) the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the expiration of this legislation, September 1, 2005 or whenever the land development regulations and design standards and guidelines become effective, whichever comes first.

Section 3: During the period that this interim ordinance is in effect, no application for a building permit or development approval shall be granted for any new development, remodeling or redevelopment within the designated Tavernier Historic Overlay District (Exhibit 1).

Section 4: The following are exempt from this ordinance:

1. Interior remodeling.
2. The Director of Planning may authorize the relocation of historic structures identified as a candidate for local historic designation by the Historic Preservation Commission.
3. Development under an approved conditional use permit, repair and/or approvals required for life/safety improvements.
4. Public buildings as defined in Section 9.5-4 (P-18) of the Code and new or existing structures that are not historically designated, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

Section 5: Until expiration of the Interim Development Ordinance created by Sections 1, 2 and 3 hereof, no application for a building permit or development approval shall be granted pursuant to an application or request with a submittal date of April 1, 2005, or later.

Section 6: Any application for a building permit or development approval with a submittal date of March 31, 2005 or earlier shall be exempt from this Interim Development Ordinance.

Section 7: As of the effective date of the this ordinance, no application for a building permit or development approval meeting the criteria in Section 3 hereof, shall be accepted or processed by the Growth Management Division, except applications exempt hereunder and development awarded a vested rights determination pursuant to Section 9 hereof.

Section 8: This Ordinance shall not be construed to prohibit application for, or the issuance of a building permit or development approval for any development or redevelopment that is not identified in Section 3 hereof and that is allowed pursuant to the Monroe County Land Development Regulations and the 2010 Plan.

Section 9: Any property owner adversely affected by the provisions of this Interim Development Ordinance may seek a determination that the owner's proposed development or redevelopment is vested against the provisions of this Interim Development Ordinance, by filing with the Director of Growth Management, together with an administrative fee in the amount of \$400, a vested rights application setting forth facts establishing the applicant met, prior to April 1, 2005, the vested rights standards set forth in Section 9.5-181, Monroe County code. Such application must be filed no later than sixty (60) days after the effective date of this ordinance.

Section 10: The County Administrator is directed to have the Growth Management Division begin immediately preparing the draft text amendments and other supporting studies in cooperation with the Planning Commission to develop design standards and regulatory controls for development, remodeling or redevelopment within the designated Tavernier Historic District.

Section 11: In preparing these amendments, the County Administrator is directed to focus the Growth Management Division's efforts in the following important areas: 1) preparation of design standards and regulatory controls to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys and that address local community needs while balancing the needs of all Monroe County Communities; 2) identification of regulatory amendments and strategies to ensure that the goals and objectives of the 2010 Plan and the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 are properly implemented.

Section 12: If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 13: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 14: The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 380, Florida Statutes and the DCA is requested to review and approve it by immediate Final Order. S.120.569(2)(n), F.S.

Section 15: This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

Section 16: This Ordinance shall stand repealed as of the adoption of design standards and design guidelines for the Tavernier Creek Historic district, or September 1, 2005, whichever comes first, unless repealed sooner or extended pursuant to the terms set forth herein.

-Remainder of the page left blank -

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____ 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____
Commissioner Murray Nelson	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Dixie Spehar

(SEAL)

ATTEST: DANNY L. KOHAGE, CLERK



Deputy Clerk

ATTACHED – TAVERNIER HISTORIC DISTRICT MAP

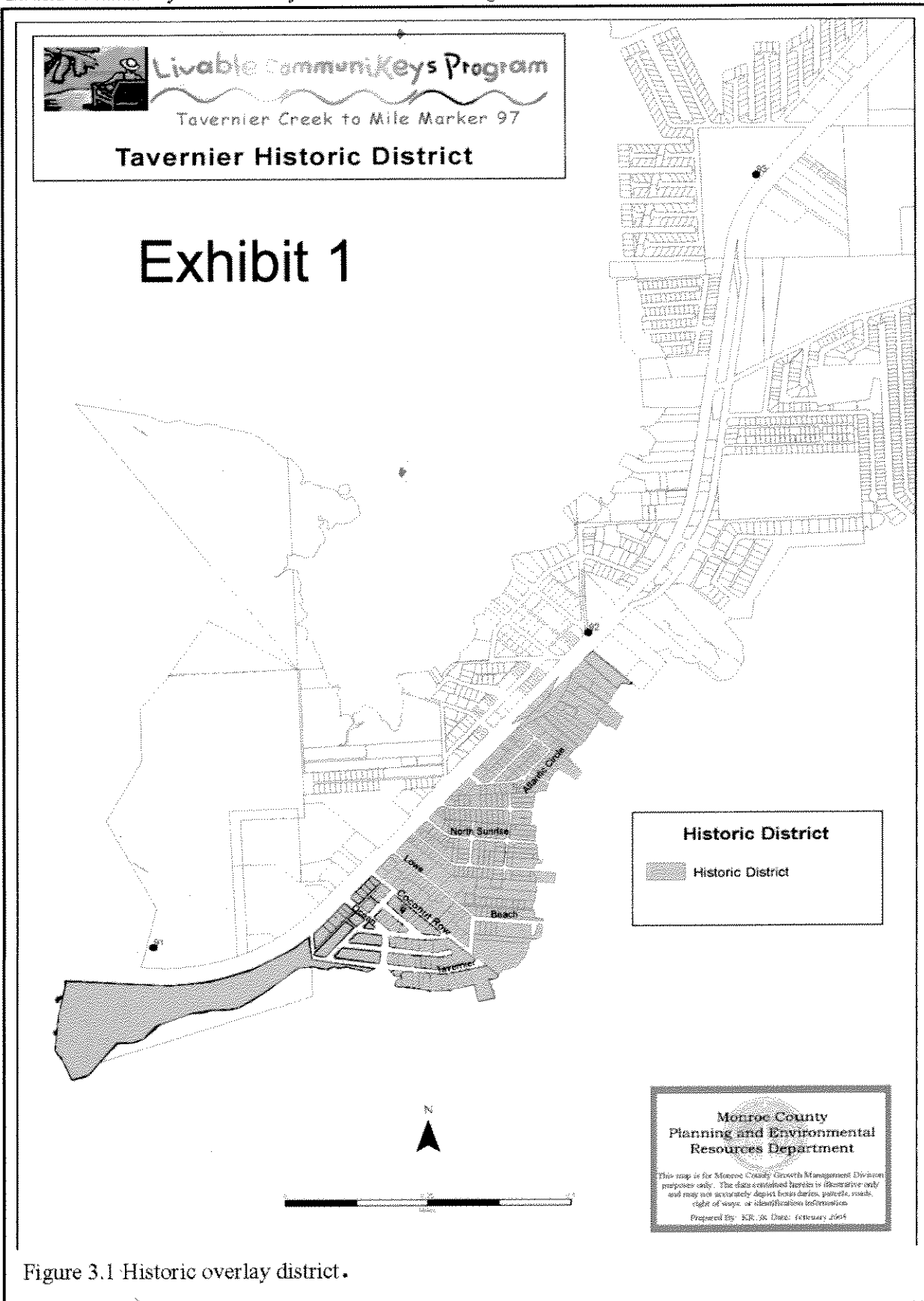


Figure 3.1 Historic overlay district.

BOCC STAFF REPORT

GROWTH MANAGEMENT DIVISION

2798 Overseas Highway
Suite 400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

MEMORANDUM

To: The Board of County Commissioners

From: K. Marlene Conaway, Director, Planning and Environmental Resources *KMC*

Date: May 23, 2005

Subject: BOCC Adopted Changes and Staff Amendment: Interim Development Ordinances, Tavernier Historic District Overlay

Summary

Following from a public presentation and a suggestion from a member of the public, the Monroe County Board of County Commissioners (BOCC) agreed to an amendment to the proposed language of the Historic District IDO to exempt "new and existing structures that are not historically designated" from the IDO subject to approval of their construction plans by the Planning Commission.

The BOCC also amended Section 2 and Section 16 of the IDO to create a specific end date for the IDO of September 1, 2005, or whenever the land development regulations and design standards and guidelines become effective, whichever comes first.

As Amended by BOCC

Section 2. Pursuant to its lawful authority and the pending legislation doctrine as set forth in *Smith v. City of Clearwater*, 383 So.2d 681 (Fla. 2d DCA, 1980) the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the expiration of this legislation ~~within six months of the effective date of the Livable Communities Master Plan Tavernier Creek to Mile Marker 97, September 1, 2005~~ or whenever the land development regulations and design standards and guidelines become effective, whichever comes first.

Section 4: The following are exempt from this ordinance:

4. Public buildings as defined in Section 9.5-4 (P-18) of the Code and new or existing structures that are not historically designated, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

Section 16: This Ordinance shall stand repealed as of September 1, 2005 or upon the adoption of design standards and design guidelines for the Tavernier Creek Historic District, ~~or six months after the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97~~, whichever comes first, unless repealed sooner or extended pursuant to the terms set forth herein.

Proposed Staff Modification

Staff recommends a further amendment to change “historically designated” to “historically designated or historically significant as identified in the report by GAI Consultants, “The Historic Architectural Survey of Unincorporated Areas of Monroe County, Florida (2003)”, so that the exemption does not apply to structures historically designated at the federal, state or county level or structures that are identified as historically significant by the GAI Consultants report.

There are seventeen (17) locally designated historic sites in the Tavernier Historic District. There are fifty-three (53) historic structures identified in “The Historic Architectural Survey of Unincorporated Areas of Monroe County, Florida (2003)”.

Section 4: The following are exempt from this ordinance:

4. Public buildings as defined in Section 9.5-4 (P-18) of the Code and new or existing structures that are not historically designated or historically significant as identified in the report by GAI Consultants, “The Historic Architectural Survey of Unincorporated Areas of Monroe County, Florida (2003)”, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

Staff Recommendation

In addition to the amendments previously adopted by the BOCC, Staff recommends adoption of the following amendment to exclude historically significant structures as identified in “The Historic Architectural Survey of Unincorporated Areas of Monroe County, Florida (2003)” from exemption from the IDO:

Section 2. Pursuant to its lawful authority and the pending legislation doctrine as set forth in Smith v. City of Clearwater, 383 So.2d 681 (Fla. 2d DCA, 1980) the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the expiration of this legislation ~~within six months of the effective date of the Livable CommuniKeys Master Plan Tavernier~~

~~Creek to Mile Marker 97, September 1, 2005~~ or whenever the land development regulations and design standards and guidelines become effective, whichever comes first.

Section 4: The following are exempt from this ordinance:

4. Public buildings as defined in Section 9.5-4 (P-18) of the Code and new or existing structures that are not historically designated or historically significant as identified in the report by GAI Consultants, "The Historic Architectural Survey of Unincorporated Areas of Monroe County, Florida (2003)", subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

Section 16: This Ordinance shall stand repealed as of September 1, 2005 or upon the adoption of design standards and design guidelines for the Tavernier Creek Historic District, ~~or six months after the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97,~~ whichever comes first, unless repealed sooner or extended pursuant to the terms set forth herein.

PLANNING COMMISSION RESOLUTION # P16-05

RESOLUTION NO. P-016-05

AN RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING ADOPTION OF AN INTERIM DEVELOPMENT ORDINANCE FOR THE TAVERNIER HISTORIC DISTRICT OVERLAY; ESTABLISHING THE BOUNDARIES THEREOF; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES ARE ADOPTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA); PROVIDING FOR EXPIRATION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 OR ADOPTION OF DESIGN STANDARDS AND GUIDELINES, WHICHEVER COMES FIRST.

WHEREAS, the Monroe County Planning Commission, during a public hearing held on April 27, 2005, reviewed and considered the proposed Interim Development Ordinance; and

WHEREAS, the Board of County Commissioners at their meeting of February 16, 2005, adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 as an amendment to the Monroe County Year 2010 Comprehensive Plan (referred to hereafter as the 2010 Plan); and

WHEREAS, the 2010 Comprehensive Plan, Goal 101 requires Monroe County to manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [9J-5.006(3)(b)1]; and

WHEREAS, the 2010 Plan Objective 101.20 identifies the Livable CommuniKeys Planning Program as a planning program designed to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 (referred to hereafter as the Master Plan) is the product of the Livable CommuniKeys program as outlined in the 2010 Plan Objective 101.20; and

WHEREAS, the Tavernier Historic Overlay District is a unique historic resource as identified in the Master Plan; and

WHEREAS, GAI consultants completed an architectural survey of all unincorporated areas of Monroe County and completed an evaluation of sites and structures for designation in the National Register of Historic Places and or Monroe County Landmarks; and

WHEREAS, the survey identified fifty-three properties within the Tavernier Historic District as being eligible for national historic designation, eight of the identified properties are designated as Monroe county landmarks and seventeen are listed as Monroe County Historic Landmarks; and

WHEREAS, GAI consultants recommended that Tavernier be nominated as a district on the National Register of Historic Places; and

WHEREAS, each individual historic site and or structure is important and together they contribute to making the Tavernier Historic District Overlay a significant county resource; and

WHEREAS, Action Item 4.3.5 in the adopted Master Plan requires that design standards be prepared and that any new development or redevelopment within the designated Tavernier Historic District Overlay be consistent with design standards and in compliance with regulatory controls; and

WHEREAS, historic architecture design standards and design guidelines for historic structures, contributing structures and non-contributing structures all together can support, enhance and preserve the character of the historic district; and

WHEREAS, Action Item 4.3.6 in the adopted Master Plan directs the County to enact a temporary moratorium on development within the Tavernier Historic District Overlay until the design standards are adopted or six months after the effective date of the Master Plan, whichever comes first; and

WHEREAS, the County has committed necessary staff and resources to the development of the historic district design standards in order to facilitate diligent and good faith efforts to establish policies and regulations within a reasonable period of time; and

WHEREAS, the Board of County Commissioners, in anticipation of the adoption of the Master Plan, voted to Contract with HDR Consultants to prepare the historic district design standards and implementation measures including Land Development Regulations at their meeting of January 19, 2005; and

WHEREAS, the utilization of the moratorium device as a temporary measure to facilitate government decision making, study and adoption of land development regulations is a legitimate governmental tool to facilitate logical and considered growth and as a means of avoiding inefficient and ill-conceived development; and,

WHEREAS, the County finds that it is necessary to enact an Interim Development Ordinance deferring the approval of development applications within the designated Tavernier Historic District Overlay so the County can prepare design guidelines; and,

WHEREAS, the purpose this Interim Development Ordinance provides mechanisms to assure democratic discussions and participation by citizens, developers, and property owners who may be affected by eventual amendments to the Land Development Regulations; and

WHEREAS, Chapter 125 F.S., authorizes the Board of County Commissioners to adopt ordinances to provide standards protecting against imminent and immediate threat to the health, safety, and welfare of the citizens of Monroe County; and

WHEREAS, this Interim Ordinance constitutes a valid exercise of the County's police power and is otherwise consistent with Section 163.3161, *et seq.*, F.S., which, *inter alia*, encourages the use of innovative land development regulations including provisions like moratoria to implement the adopted comprehensive plan; and

WHEREAS, following the direction of the Board of County Commissioners in the adopted Tavernier Creek to MM 97 Master Plan, the Growth Management Division staff immediately undertook the development of this Interim Development Ordinance and began working with the consultants HDR, Inc on development of historic design standards for the Tavernier Historic Overlay District; and

WHEREAS, the Planning Commission after hearing public comments and staff input, finds that the proposed Interim Development Ordinance is consistent with and furthers the goals and objectives of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 and the Monroe County Year 2010 Comprehensive Plan; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following Interim Development Ordinance:

Section 1. Pursuant to the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 adopted by the Board of County Commissioners on February 16, 2005, the Interim Development Ordinance shall apply to the Tavernier Historic Overlay District, the boundaries of which are described on the map, attached hereto as Exhibit 1, and hereby is made part of this ordinance.

Section 2. Pursuant to its lawful authority and the pending legislation doctrine as set forth in *Smith v. City of Clearwater*, 383 So.2d 681 (Fla. 2d DCA, 1980) the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the expiration of this legislation within six months of the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 or whenever the land development regulations and design standards and guidelines become effective, whichever comes first.

Section 3: During the period that this interim ordinance is in effect, no application for a building permit or development approval shall be granted for any new development, remodeling or redevelopment within the designated Tavernier Historic Overlay District (Exhibit 1).

Section 4: The following are exempt from this ordinance:

1. Interior remodeling.
2. The Director of Planning may authorize the relocation of historic structures identified as a candidate for local historic designation by the Historic Preservation Commission.
3. Development under an approved conditional use permit, repair and/or approvals required for life/safety improvements.

4. Public buildings as defined in Section 9.5-4 (P-18) of the Code, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

Section 5: Until expiration of the Interim Development Ordinance created by Sections 1, 2 and 3 hereof, no application for a building permit or development approval shall be granted pursuant to an application or request with a submittal date of April 1, 2005, or later.

Section 6: Any application for a building permit or development approval with a submittal date of March 31, 2005 or earlier shall be exempt from this Interim Development Ordinance.

Section 7: As of the effective date of the this ordinance, no application for a building permit or development approval meeting the criteria in Section 3 hereof, shall be accepted or processed by the Growth Management Division, except applications exempt hereunder and development awarded a vested rights determination pursuant to Section 9 hereof.

Section 8: This Ordinance shall not be construed to prohibit application for, or the issuance of a building permit or development approval for any development or redevelopment that is not identified in Section 3 hereof and that is allowed pursuant to the Monroe County Land Development Regulations and the 2010 Plan.

Section 9: Any property owner adversely affected by the provisions of this Interim Development Ordinance may seek a determination that the owner's proposed development or redevelopment is vested against the provisions of this Interim Development Ordinance, by filing with the Director of Growth Management, together with an administrative fee in the amount of \$400, a vested rights application setting forth facts establishing the applicant met, prior to the date that this Ordinance is adopted by the Board of Monroe County Commissioners, the vested rights standards set forth in Section 9.5-181, Monroe County code. Such application must be filed no later than sixty (60) days after the effective date of this ordinance.

Section 10: The County Administrator is directed to have the Growth Management Division begin immediately preparing the draft text amendments and other supporting studies in cooperation with the Planning Commission to develop design standards and regulatory controls for development, remodeling or redevelopment within the designated Tavernier Historic District.

Section 11: In preparing these amendments, the County Administrator is directed to focus the Growth Management Division's efforts in the following important areas: 1) preparation of design standards and regulatory controls to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys and that address local

community needs while balancing the needs of all Monroe County Communities; 2) identification of regulatory amendments and strategies to ensure that the goals and objectives of the 2010 Plan and the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 are properly implemented.

Section 12: If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 13: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 14: The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 380, Florida Statutes and the DCA is requested to review and approve it by immediate Final Order. S.120.569(2)(n), F.S.

Section 15: This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

Section 16: This Ordinance shall stand repealed as of the adoption of design standards and design guidelines for the Tavernier Creek Historic district, or six months after the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97, whichever comes first, unless repealed sooner or extended pursuant to the terms set forth herein.

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PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida at a regular meeting held on the 27th day of April 2005.

Chair Lynn C. Mapes	<u>Yes</u>
Vice Chair Denise Werling	<u>Yes</u>
Commissioner Jiulio Margalli	<u>Yes</u>
Commissioner James C. Cameron	<u>No</u>
Commissioner Randy Wall	<u>Absent</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY _____
Lynn Mapes, Chair

Signed this _____ day of _____, 2005.

ATTACHED – MAP, EXHIBIT 1 TAVERNIER HISTORIC DISTRICT MAP

**DEVELOPMENT REVIEW COMMITTEE
RESOLUTION #D6-05**



DRC RESOLUTION NO. D6-05

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE MONROE COUNTY PLANNING COMMISSION OF THE ADOPTION OF AN INTERIM DEVELOPMENT ORDINANCE FOR THE TAVERNIER HISTORIC DISTRICT OVERLAY; ESTABLISHING THE BOUNDARIES THEREOF; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES ARE ADOPTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA); PROVIDING FOR EXPIRATION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 OR ADOPTION OF DESIGN STANDARDS AND GUIDELINES, WHICHEVER COMES FIRST.

WHEREAS, the Board of County Commissioners at their meeting of February 16, 2005, adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 as an amendment to the Monroe County Year 2010 Comprehensive Plan (referred to hereafter as the 2010 Plan); and

WHEREAS, GAI consultants completed an architectural survey of all unincorporated areas of Monroe County and completed an evaluation of sites and structures for designation in the National Register of Historic Places and or Monroe County Landmarks; and

WHEREAS, the survey identified fifty-three properties within the Tavernier Historic District as being eligible for national historic designation, eight of the identified properties are designated as Monroe county landmarks and seventeen are listed as Monroe County Historic Landmarks; and

WHEREAS, Action Item 4.3.5 in the adopted Master Plan requires that design standards be prepared and that any new development or redevelopment within the designated Tavernier Historic District Overlay be consistent with design standards and in compliance with regulatory controls; and

WHEREAS, historic architecture design standards and design guidelines for historic structures, contributing structures and non-contributing structures all together can support, enhance and preserve the character of the historic district; and

WHEREAS, Action Item 4.3.6 in the adopted Master Plan directs the County to enact a temporary moratorium on development within the Tavernier Historic District Overlay until the design standards are adopted or six months after the effective date of the Master Plan, whichever comes first; and

WHEREAS, the County finds that it is necessary to enact an Interim Development Ordinance deferring the approval of development applications within the designated Tavernier Historic District Overlay so the County can prepare design guidelines; and

WHEREAS, the purpose this Interim Development Ordinance provides mechanisms to assure democratic discussions and participation by citizens, developers, and property owners who may be affected by eventual amendments to the Land Development Regulations; and

WHEREAS, Chapter 125 F.S., authorizes the Board of County Commissioners to adopt ordinances to provide standards protecting against imminent and immediate threat to the health, safety, and welfare of the citizens of Monroe County; and

WHEREAS, this Interim Ordinance constitutes a valid exercise of the County's police power and is otherwise consistent with Section 163.3161, *et seq.*, F.S., which, *inter alia*, encourages the use of innovative land development regulations including provisions like moratoria to implement the adopted comprehensive plan;

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on March 24, 2005, conducted a review and consideration of the request filed by the Monroe County Planning Department to recommend approval to the Monroe County Planning Commission of the Interim Development Ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Planning Commission of the following as requested by the Monroe County Planning Department:

Section 1. Pursuant to the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 adopted by the Board of County Commissioners on February 16, 2005, the Interim Development Ordinance shall apply to the Tavernier Historic Overlay District, the boundaries of which are described on the map, attached hereto as Exhibit 1, and hereby is made part of this ordinance.

Section 2. Pursuant to its lawful authority and the pending legislation doctrine as set forth in *Smith v. City of Clearwater*, 383 So.2d 681 (Fla. 2d DCA, 1980) the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the expiration of this legislation within six months of the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 or whenever the land development regulations

and design standards and guidelines become effective, whichever comes first.

Section 3: During the period that this interim ordinance is in effect, no building permit or development approval shall be granted for any new development, remodeling or redevelopment within the designated Tavernier Historic Overlay District (Exhibit 1).

Section 4: The following are exempt from this ordinance:

1. Interior remodeling.
2. The relocation of historic structures designated by Monroe County or identified by "The Final Report Historic Architectural Survey of unincorporated Areas of Monroe County Florida (2003)" prepared by GAI Consultants Inc.
3. The relocation of historic structures identified as a candidate for local historic designation by the Historic Preservation Commission.
4. Development under an approved conditional use permit, repair and/or approvals required for life/safety improvements.
5. Public buildings as defined in Section 9.5-4 (P-18) of the Code, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

Section 5: Until expiration of the Interim Development Ordinance created by Sections 1, 2 and 3 hereof, no building permits or development approval shall be granted pursuant to an application or request with a submittal date of April 1, 2005, or later.

Section 6: Any application for a building permit or development approval with a submittal date of March 31, 2005 or earlier shall be exempt from this Interim Development Ordinance.

Section 7: As of the effective date of this ordinance, no application for a building permit or development approval meeting the criteria in Section 3 hereof, shall be accepted or processed by the Growth Management Division, except applications exempt hereunder and development awarded a vested rights determination pursuant to Section 9 hereof.

Section 8: This Ordinance shall not be construed to prohibit the issuance of a building permit or planning approval for any development or redevelopment that is not identified in Section 3 hereof and that is allowed pursuant to the Monroe County Land Development Regulations and the 2010 Plan.

Section 9: Any property owner adversely affected by the provisions of this Interim Development Ordinance may seek a determination that the owner's proposed development or redevelopment is vested against the provisions of this Interim

Development Ordinance, by filing with the Director of Growth Management, together with an administrative fee in the amount of \$400, a vested rights application setting forth facts establishing the applicant met, prior to the date that this Ordinance is adopted by the Board of Monroe County Commissioners, the vested rights standards set forth in Section 9.5-181, Monroe County code. Such application must be filed no later than sixty (60) days after the effective date of this ordinance.

Section 10: The County Administrator is directed to have the Growth Management Division begin immediately preparing the draft text amendments and other supporting studies in cooperation with the Planning Commission to develop design standards and regulatory controls for development, remodeling or redevelopment within the designated Tavernier Historic District.

Section 11: In preparing these amendments, the County Administrator is directed to focus the Growth Management Division's efforts in the following important areas: 1) preparation of design standards and regulatory controls to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys and that address local community needs while balancing the needs of all Monroe County Communities; 2) identification of regulatory amendments and strategies to ensure that the goals and objectives of the 2010 Plan and the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 are properly implemented.

Section 12: If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 13: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 14: The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Section 15: This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

Section 16: This Ordinance shall stand repealed as of the adoption of design standards and design guidelines for the Tavernier Creek Historic district, or six months after the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97, whichever comes first, unless repealed sooner or extended pursuant to the terms set forth herein.

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PASSED AND ADOPTED By the Development Review committee of Monroe County, Florida at a regular meeting held on the 24th day of March, 2005.

Aref Joulani, Sr. Administrator, Development Review and Design	<u>YES</u>
David A. Dacquisto, Director, Island Planning Team	<u>YES</u>
Elizabeth LaFleur, Director, Island Planning Team	<u>YES</u>
Thomas Williams, Planner	<u>YES</u>
Heather Beckmann	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

BY

Aref Joulani, DRC Chair

Signed this _____ day of _____, 2005

ATTACHED – TAVERNIER HISTORIC OVERLAY DISTRRICT MAP